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Summary record of the 4th meeting
Held at Headquarters, New York, on Tuesday, 1 December 1998, at 9 a.m.

Chairman: Mr. Opertti (President of the General Assembly) ..... (Uruguay)

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The meeting was called to order at 9.15 a.m.

Adoption of the agenda of the fifty-third regular session of the General Assembly and allocation of items (*continued*)

Allocation of agenda item 167 (Armed aggression against the Democratic Republic of the Congo)

1. **The Chairman** recalled that the General Committee, at its third meeting, had decided to recommend the inclusion of item 167 (Armed aggression against the Democratic Republic of the Congo) in the agenda of the General Assembly at its current session but had deferred consideration of its allocation. The inclusion of the item had been requested by the Democratic Republic of the Congo (A/53/232), which had proposed that the General Assembly should consider the item directly in plenary meeting. The representative of the Democratic Republic of the Congo had asked to participate in the discussion of the item at the current meeting in accordance with rule 43 of the rules of procedure.

2. *At the invitation of the Chairman, Mr Kapanga (Democratic Republic of the Congo) took a place at the Committee table.*

3. **Mr. Kapanga** (Democratic Republic of the Congo) said that his delegation welcomed the General Assembly's decision to include the question of the armed aggression against the Democratic Republic of the Congo in its agenda at its fifty-third session. He urged members of the Committee to assume their responsibility to ensure that that item was allocated to the plenary Assembly rather than to any of the Main Committees despite the ongoing negotiations regarding the aggression against his country by Rwanda and Uganda, which had admitted sending troops to participate in the conflict from its earliest stages.

4. **Mr. Taliwaku** (Uganda) said that his delegation had joined the consensus on the Committee's recommendation that the item in question should be included in the agenda of the General Assembly at its fifty-third session on the understanding that consultations would be undertaken to the satisfaction of all parties concerned. He had therefore been surprised at the wording of item 167 in its final form, particularly the use of the word "aggression", which was misleading and inappropriate and failed to reflect the situation in the region.

5. Moreover, certain provisions of the Charter of the United Nations must be met in order for an agenda item to be allocated to the Assembly for consideration in plenary meeting. A number of regional and international initiatives by, *inter alia*, the Southern African Development Committee (SADC) and the Organization of African Unity (OAU), were under way, the Security Council was fully seized of the matter and the Secretary-General had participated in various regional summits and had endeavoured to broker a ceasefire which might be signed in mid-December. He was surprised that the Government of the Democratic Republic of the Congo was attempting to undermine those initiatives, which it had supported in the past. The political consequences of discussion of the matter by the Assembly in plenary meeting could not be overestimated, and he appealed to the representative of the Democratic Republic of the Congo to withdraw his request and to the Committee to recommend removal of the item from the Assembly's agenda.

6. **The Chairman** said that the representative of Rwanda had asked to participate in the discussion of the item. He would take it that the Committee wished to accede to that request.

7. *It was so decided.*

8. *At the invitation of the Chairman, Mr. Kayinamura (Rwanda) took a place at the Committee table.*

9. **Mr. Kayinamura** (Rwanda) said that at the previous meeting of the Committee, his delegation had asked a procedural question which had not yet been answered. The situation in the Democratic Republic of the Congo was currently under discussion in the Security Council; therefore, under Articles 10 and 12 of the Charter, it should not be considered by the General Assembly. He asked the Chairman to advise the Assembly not to fall into the error of debating imagined aggression when the relevant bodies of the Organization had not determined whether such aggression existed. The Committee was fully aware of the delicate situation in the Democratic Republic of the Congo and of efforts by numerous Governments, SADC, OAU, the Security Council and the Secretary-General to find a peaceful solution to a crisis which was likely to set the entire African continent aflame. Those initiatives would be seriously undermined by discussion of the item in the Assembly.

10. Rwanda, not the Democratic Republic of the Congo, had been the first victim of aggression. The reports of the International Commission of Inquiry to investigate reports of the sale or supply of arms to former Rwandan government forces had provided proof that former Rwandan soldiers and militia continued to be retrained and equipped by the Democratic Republic of the Congo so that they could complete their unfinished agenda of genocide in Rwanda. His Government, which hoped for a peaceful resolution to

the crisis in the Democratic Republic of the Congo and wished to ensure its own long-term security, considered it inopportune to debate the issue in the General Assembly and hoped that the Chairman would use his good offices to advise removal of the item from the Assembly's agenda out of respect for the provisions of the Charter and in the interests of peace.

11. **Mr. Kapanga** (Democratic Republic of the Congo) said that his Government had been involved in all stages of the negotiations on a possible solution to the crisis. The fact that the Security Council was considering the matter did not preclude discussion thereof in the General Assembly; Article 12 of the Charter merely indicated that the General Assembly could not make recommendations on such matters except at the Council's request. He refused to comply with Uganda's request that he should withdraw his proposal for allocation of the item to the plenary Assembly.

12. **Mr. Macedo** (Mexico) said that since the Committee had decided by consensus to recommend inclusion of the item in question in the agenda of the General Assembly, it should not decide to recommend its removal from that agenda in the absence of a similar consensus. However, it was not for the Committee to decide at what point the Assembly would take up any item on its agenda. He therefore proposed that the item should be allocated to the plenary Assembly, on the understanding that the date of its discussion would be determined by the President of the Assembly in consultation with the interested parties.

13. **Mr. Alabrune** (France) said that he associated himself with the proposal made by the representative of Mexico. It was important to distinguish between the procedural matter of allocation, which was within the Committee's mandate, and the question of when, and even whether, an item would be taken up by the Assembly, which was not for the Committee to decide. The ongoing negotiations on the crisis in the Democratic Republic of the Congo, if successful, might make it possible for the Assembly to avoid such a discussion.

14. **Mr. Kayinamura** (Rwanda) said that it was not for the Democratic Republic of the Congo, or for the Committee, to define aggression or to determine whether it had taken place. He therefore objected to the use of that word in the title of the agenda item.

15. **The Chairman** said that once the General Assembly had decided to include an item in its agenda, the Committee could not reverse that decision. The only question currently before the Committee was whether to allocate the item in question to the plenary Assembly. It would then be for the Assembly to decide when to take up the matter, and it was possible that the ongoing negotiations would lead to a peaceful resolution of the crisis and make such discussion unnecessary. As the item was on the Assembly's agenda, he preferred not to address the issue of whether the Assembly was precluded from discussing it by the fact that the matter was also being considered by the Security Council. He asked whether the Committee was prepared to support Mexico's proposal that the item should be allocated to the plenary Assembly, without prejudice to the date of its discussion.

16. **Mr. Kapanga** (Democratic Republic of the Congo) said that his delegation supported the proposal that the item should be allocated to the plenary Assembly, on the understanding that the ongoing negotiations, if successful, might make its discussion unnecessary.

17. **Mr. Kayinamura** (Rwanda) said that although he maintained his procedural objections to the General Assembly's decision to include the item in its agenda, he recognized that once so included, it could not be removed. However, it would be advisable to delay discussion of the matter in the Assembly.

18. **Mr. Beyendeza** (Uganda) said that his delegation would agree to Mexico's proposal on condition that the Committee's recommendation was made without prejudice to the date of the Assembly's discussion of the item in plenary meeting, pending the outcome of negotiations on the crisis.

19. **The Chairman**, referring to the question of when, or even whether, the item was actually to be discussed, said that as a political body, the Assembly had considerable flexibility and would certainly take into consideration the evolution of the situation and progress in the negotiations.

20. The Committee decided to recommend to the General Assembly that item 167 should be considered directly in plenary meeting.

21. *Mr. Kapanga (Democratic Republic of the Congo) and Mr. Kayinamura (Rwanda) withdrew.*

Request for the inclusion of an additional item submitted by the Dominican Republic (A/53/234)

22. **The Chairman** said that the representatives of the Dominican Republic and Ecuador had asked to participate in the discussion in accordance with rule 43 of the rules of procedure.

23. *At the invitation of the Chairman, Ms. Aguiar (Dominican Republic) and Mr. Valencia Rodriguez (Ecuador) took places at the Committee table.*

24. **Ms. Aguiar** (Dominican Republic) said that her delegation, which had had the chairmanship of the Group of Latin American and Caribbean States for October, had sent a letter dated 26 October 1998 to the Secretary-General requesting the inclusion in the agenda of an additional item entitled "Granting of observer status for the International Union for the Conservation of Nature and Natural Resources in the General Assembly", which had been issued as document A/53/234.

25. **Mr. Valencia Rodríguez** (Ecuador), also speaking on behalf of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Nepal and New Zealand, said that the International Union for the Conservation of Nature and Natural Resources (IUCN) was an intergovernmental organization with a unique character. Founded in 1948, it was the oldest international organization of its kind. The 23 States, along with the United Nations Educational, Scientific and Cultural Organization and the Food and Agriculture Organization of the United Nations, which had established IUCN had set up statutes governing its operation which could be defined as a treaty under the Vienna Convention on the Law of Treaties.

26. Early in its existence, the organization had found ways to involve specialized non-governmental organizations in its work by establishing a system whereby the statutes were registered under the Swiss civil code, thus creating an organization to which they could be admitted as members. Official bodies, for example, government ministries in areas related to the environment and nature, could also be admitted as members simply on request. Thus, the States members had created a *sui generis* method for allowing both governmental and non-governmental bodies specializing in conservation to become members.

27. The work of IUCN was closely involved with issues concerning the environment and sustainable development, and it had provided valuable technical assistance in those areas in South America, Africa and Asia. At the most recent World Conservation Congress held in Montreal in 1996, the Council of IUCN had been asked to examine the possibility of closer relations and cooperation with the United Nations system. It took the responsibilities of observer status seriously and intended to offer a significant contribution to the work of the General Assembly in the area of the environment, as the number of related issues which came before the General Assembly, and their scientific and technical complexity, was increasing every year.

28. **Mr. Grainger** (United Kingdom) said that his delegation had great respect for IUCN and for its work, but had some questions regarding its status. The General Assembly, by its decision 49/426, had decided that the granting of observer status should be confined to States and intergovernmental organizations whose activities covered matters of interest to the Assembly. The legal history of IUCN was complex, and a precise definition of its status should be looked into. The Sixth Committee would be an appropriate forum for such consideration, but as it had completed its work for the fifty-third session, it might be best to defer the matter to the next session of the General Assembly.

29. **Mr. Yu Qingtai** (China) said that, while his delegation appreciated the valuable contribution of IUCN and admired its dedication, it was clear that the organization did not fit into either of the categories mentioned in decision 49/426. In addition, it was registered as a non-governmental organization with special consultative status with the Economic and Social Council, which would create an inconsistency if it were to be registered as an observer with the General Assembly. Furthermore, the Council of IUCN had not yet delivered its report on the matter to the World Conservation Congress. His delegation thus did not find it advisable to recommend inclusion of the item at the current stage of consideration because of its complexity and the need for further consultation.

30. **Mr. Zahid** (Morocco) said that his delegation would prefer to ask the Office of Legal Affairs for clarifications. Observer status for non-governmental organizations in the General Assembly was currently under discussion, and while his delegation was aware that the request of the Dominican Republic was simply for consideration of the question and not for the granting of any status, more time was needed for consultations with Governments and to seek legal advice.

31. **Mr. Enkhsaikhan** (Mongolia), speaking as the Chairman of the Sixth Committee, said that the matter had not been on the Committee's agenda for the fifty-third session. IUCN was an important organization whose input could be very helpful to the General Assembly, but its legal status, whether it was an intergovernmental organization, a non-governmental organization or a mixture, should be made clear before action was taken. Perhaps the Legal Counsel could give preliminary views on the matter.

32. **Mr. Alabrune** (France) recalled that the matter before the General Committee was to decide whether to consider the item at the current session and not the merits of granting the requested observer status. His delegation favoured the suggestion of the United Kingdom that the matter should be deferred to the fifty-fourth session and be referred to the Sixth Committee.

33. **Mr. Fedotov** (Russian Federation) said that, while his delegation understood Ecuador's request and agreed that the issue was important, it did not agree that the matter was urgent. As the current session was nearing its end and the Sixth Committee had already finished its work, it did not seem possible to include the item in the agenda.

34. **Mr. Macedo** (Mexico) said that, since the request had been made late in the session, it did not seem to be extremely urgent and thus should be discussed at the appropriate time in greater depth than was currently possible. Therefore, he suggested that the item should be deferred and included in the agenda of the fifty-fourth session, at which time it would be possible to allocate it to the Sixth Committee.

35. **Ms. Aguiar** (Dominican Republic) pointed out that 1998 was the fiftieth anniversary of IUCN, which had in part prompted the request for observer status and meant that it was urgent.

36. **Mr. Valencia Rodríguez** (Ecuador) said that the request could also be considered urgent because of the growing number of environmental questions brought before the General Assembly and their increasingly complex and technical nature. The expertise of IUCN could be useful to the General Assembly. Although a deferral of consideration might be necessary, it was his hope that it would not be indefinite.

37. **The Chairman** said that he took it that delegations believed that the matter should be considered, but that there was not sufficient time remaining at the fifty-third session of the General Assembly to pursue the matter in depth.

38. *The Committee decided to recommend to the General Assembly that the item should be included in the provisional agenda of the fifty-fourth session.*

The meeting rose at 10.45 a.m.